IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

Bail Appl..No. 6572 of 2007()

CRLMC.288/2007 of D.C. & SESSIONS COURT, ERNAKULAM
CRIME NO.76/07 OF ANGAMALY POLICE STATION

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PETITIONERS : ACCUSED NOS.4 & 8:

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1. RAMESH @ KANNAN, S/O.SURENDRAN,
AGED 31 YEARS, VELLATTUTHARA HOUSE,
MELOOR VILLAGE, ADICHILY KARA,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

2. SANTHOSH, S/O.PURUTHOTHAMAN,
AGED 29 YEARS, MANAPILLY HOUSE,
KUNNAPPILLY, ADICHILY KARA,
MUKUNDAPURAM TALUK, THRISSUR DISTRICT.

BY ADV. SRI.A.C.DEVY

RESPONDENTS: STATE:

THE STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.S.U.NAZAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 02/11/2007, THE COURT ON 01/11/2007 PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.6572 of 2007

Dated this the 1st day of November, 2007

ORDER

Application for regular bail. Petitioners are accused 4 & 8. Altogether there are 8 accused persons. Accused 1 to 3 were arrested and have already been enlarged on bail. Accused 5 and 7 have also been arrested and they are continuing in custody, it is submitted. They were arrested after the arrest of the petitioners. Accused 6 is even now absconding. The alleged incident took place on 2.2.07. The petitioners were arrested on 9.9.07. In the F.I.R, the petitioners are not named. The crux of the allegation is that on account of the animosity between the 1st accused and the victim on account of the alleged illicit relationship of the victim with the wife of the 1st accused, accused persons together attacked the victim and inflicted grievous injuries on him. The petitioners continue in custody from 09.09.07.

2. The learned counsel for the petitioners submits that the petitioners are absolutely innocent. No specific overt act whatsoever is attributed against them. They have not wielded any weapons also. In fact, they were granted anticipatory bail by the learned Sessions Judge. But as they did not comply with the directions in the said

order, they were arrested later on 9.9.07. The petitioners may now be enlarged on bail, prays the learned counsel for the petitioners.

3. The learned Public Prosecutor does not oppose the application. The learned Public Prosecutor concedes that the petitioners have no criminal antecedents and that no specific overt act is alleged against the petitioners herein. Appropriate conditions may be imposed. The State has no objection against the grant of bail, submits the learned Public Prosecutor . I am satisfied, in the facts and circumstances of this case, that subject to appropriate conditions, the petitioners can be granted regular bail.

4. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioners shall execute a bond for Rs.1,00,000/- (Rupees One lakh only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

ii) The petitioners shall not enter the Sessions Division of Ernakulam except for the purpose of complying with condition No.(iii) below for a period of 3 months;

iii) The petitioners shall make themselves available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months. During

the said period of 3 months the petitioners shall keep the Investigating Officer informed of their place of residence outside the Sessions Division of Ernakulam. Thereafter The petitioners shall make themselves available for interrogation before the Investigating Officer as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

rtr/-